

PUBLIC MEETING MINUTES:	Special Law Enforcement Assistance Fund
MEETING DATE AND TIME:	Tuesday, December 5, 2017 at 2:00 PM
PLACE:	Dover Police Department – Assembly Room 400 S Queen St. – Dover, DE 19904

SLEAF Committee Members Present:

- (1) Sean Lugg, State Prosecutor, Delaware Department of Justice
- (2) Major Melissa Zebley, Delaware State Police
- (3) Captain Benjamin Feldmann, New Castle County Police Department
- (4) Chief Robert Tracy, Wilmington Police Department
- (5) Chief Marvin Mailey, Jr., Dover City Police Department
- (6) Chief Kenneth Brown, Sussex County

Administrative Staff Present:

Kimberly Moro, Delaware Department of Justice
Andrea Godfrey, Delaware Department of Justice
Patricia Davis, DAG, Delaware Department of Justice

Call to Order

State Prosecutor Sean Lugg called the meeting to order at 2:02 PM.

Opening Remarks

Mr. Lugg acknowledged another change of administrative staff since the last meeting. Andrea Godfrey is now Deputy Chief of Staff. Her previous position has yet to be filled.

Review and Approval of Minutes

Following confirmation of the accuracy of the previous meeting's minutes, Chief Mailey moved to approve the September 12, 2017 meeting minutes and Major Zebley seconded the motion. Upon motion duly made and seconded, the SLEAF Committee unanimously approved the minutes.

Discussion of SLEAF Regulations

Mr. Lugg stated the next agenda item – a standing item - SLEAF Policy and Regulations. Mr. Lugg proposed a meeting next year in January (January 9, 2018) solely for the purpose of accessing rules and regulations and the operational aspects of the Committee. This will not be an application driven meeting though it is a public meeting. SLEAF Committee is in favor. Committee is asked to submit desired items for the agenda which will be circulated in advance. Mr. Lugg also proposed dates for each Quarterly SLEAF Funding Meeting to be held at 2:00PM in the Dover PD Assembly Room. (March 13, 2018, June 12, 2018, September 11, 2018 and December 4, 2018). These coincide with

the Police Chiefs Council (DPCC) Meetings. Capt. Feldmann addressed the potential need to reschedule the September 11, 2018 meeting for various police memorial events, but that will be addressed as the time draws closer. The SLEAF Meeting will move to the new date chosen for the DPCC meeting if applicable. Committee is in favor of the proposed dates.

Six Committee members are present, two are absent. The Committee was given prior notice of Chief Giles' scheduled absence. The Committee is sufficiently staffed to go forward under the Statute. Confirmed by Ms. Davis, Counsel to the Committee.

Consideration of SLEAF Applications

Mr. Lugg next presented pending SLEAF applications to the Committee. Mr. Lugg stated that there is currently \$687,174.25 in SLEAF application requests, and there is \$395,749.65 in available SLEAF funds. This is a shortfall of \$291,424.60.

In light of the \$291,424.60 shortfall, Mr. Lugg asked if anyone had any applications they would like to amend or withdraw and /or table to the next meeting:

1. Agency: Delaware Department of Justice / Application # 17-053

Mr. Lugg requested to withdraw this application. Ms. Davis confirmed a motion/vote is not required for a withdrawal request.

2. Agency: Delaware Department of Justice / Application # 17-065

Mr. Lugg requested to amend the \$15,036.00 training request amount to \$8,500.00.

3. Agency: Delaware State Police / Application#: 17-031

Major Zebley requested to table this application.

4. Agency: Delaware State Police / Application#: 17-050

Major Zebley requested to table this application.

The following departments applying for SLEAF funds were not present as of 2:10pm: South Bethany PD, Delaware City, PD, Smyrna PD, DPCC, Elsmere PD, and Middletown PD.

Discussion of SLEAF Applications

5. Agency: South Bethany PD / Application #: 16-071

The Committee reviewed the application for funding for the purchase to send two officers to the SMILE conference. The application seeks \$4,438.00. Due to the fact that there were no representatives from the South Bethany PD present, a motion to table the application until the next SLEAF meeting was made by Capt. Feldmann, seconded by Chief Brown. The application was tabled until the next SLEAF meeting.

6. Agency: Delaware City PD / Application #: 16-095

The Committee reviewed the application for funding for the purchase of six Taser AXON body worn cameras and evidence.com system. The application seeks \$10,215.00. Due to the fact that there were no representatives from the Delaware City PD present, a motion to table the application until the next SLEAF meeting was made by Chief Brown, seconded by Capt. Feldmann. The application was tabled until the next SLEAF meeting.

7. Agency: Delaware River and Bay (DRBA) / Application#: 17-025

The Committee reviewed the application for funding for the purchase of 60 Body Worn Cameras. The application seeks \$78,690.00. This was tabled from previous meeting due to the fact that

body worn camera applications are being routinely tabled because of an ongoing active process at the State level to coordinate the type of devices to purchase and the storage to manage the information to be as cost effective and law enforcement efficient as possible. That RFP is underway but results have not been attained yet. DRBA was under the impression the RFP was done. Mr. Lugg indicated the RFP process had been conducted and now the proposals were being evaluated. Major Zebley recommends tabling BWC applications until the RFP process is complete. Capt. Feldmann asks if anyone present can speak to the status. Brian Fitzpatrick (DSP) indicated an award would be granted in the first quarter of 2018. Based on this assertion, Mr. Lugg motions to table 17-025 and all other BWC applications until the Second Quarter SLEAF Meeting. (June 12, 2018 or its rescheduled date). If the contract has not been awarded as scheduled, Chief Brown requests the Committee reopen this issue at the June meeting. Mr. Lugg agrees. Chief Brown seconds the motion. The application was tabled until the June SLEAF meeting.

8. Agency: Smyrna PD / Application #17-037

The Committee reviewed the application for funding to replace 5 TASER units. The application seeks \$7,736.69. Due to the fact that there were no representatives from Smyrna PD present, a motion to table the application until the next SLEAF meeting was made by Capt. Feldmann, seconded by Chief Mailey. The application was tabled until the next SLEAF meeting.

9. Agency: Delaware Police Chief's Council / Application#: 17-039

Application previously granted \$20,000.00. The remaining \$15,000.00 to be discussed in this forum. Mr. Lugg referenced prior discussions and concerns that funding may be requested to supplement salaries, ergo, the potential exists for not granting the funds. Mr. Lugg indicates that may play a role in their absence today. Due to the fact that there were no representatives from the Council present, a motion to table the application until the next SLEAF meeting was made by Chief Mailey, seconded by Chief Brown. The application was tabled until the next SLEAF meeting.

10. Agency: Wilmington PD / Application #17-041

The Committee reviewed the application to purchase Fatal Collision Equipment 3D laser scanner for reconstruction and mapping. The application seeks \$47,000.00 for the purchase of a 3D laser scanner for mapping and reconstruction capabilities. Captain Gestwicki previously requested to table to the December meeting. Capt. Gestwicki indicates the current equipment is over 20 years old and outdated. The new scanner would have current technology and include the device material and training. Capt. Feldmann asks for clarification as to "new equipment" or an upgrade to existing equipment. Capt Gestwicki indicates "new equipment" as the existing is too old to be upgraded. Capt. Feldmann make motion to approve, seconded by Chief Brown. The application was unanimously approved. Chief Tracy recused himself.

11. Agency: Elsmere PD / Application #17-043

With the absence of Chief Giles, Captain Feldmann makes motion to table until next meeting, seconded by Chief Mailey. The application was tabled.

12. Agency: Ocean View PD / Application#: 17-051

The Committee reviewed the application for funding for the purchase of a shed for police vehicle storage. The application seeks \$5,300.00. Evidence is currently stored inconveniently in the police station sally port. Request for shed to store those items in a less accessible location. Captain Feldmann expressed concern that the portability of the shed could be considered a capital improvement and therefore ineligible. Representative for Ocean View PD believed the shed was secured on a concrete slab but was not certain. Mr. Lugg contends creating a separate space for evidence storage so as to remove it from the sally port may fit definition for permissible use. Capt. Feldmann makes motion to table until more information may be obtained/confirmed as it pertains to Regulation 2.2.5. Ms. Godfrey and Ms. Davis indicate the requested amount is below

the widely known threshold (\$100,000.00) thus not necessarily meeting the definition of capital improvement. However, the Committee must define the scope of the capital improvement definition for its purposes since it is considered a “term of art” and determine how wide or narrow to make the definition. Capt. Feldmann reiterates his motion to table for further information and clarification (is it a temporary structure? Returnable item at later date?) Chief Brown seconds the motion.

13. Agency: Middletown PD / Application #17-054

The Committee reviewed the application for funding for a 2 year subscription for software to perform forensic evaluations for digital devices. The application seeks \$6,845.00. Due to the fact that there were no representatives from Middletown PD present, a motion to table the application until the next SLEAF meeting was made by Chief Mailey, seconded by Major Zebley. The application was tabled until the next SLEAF meeting.

14. Agency: Dover PD / Application #17-055

The Committee reviewed the application to purchase tourniquet holders; CSI Technology training; Shooting Incident Reconstruction training and a Radar recorder. The application seeks \$17,870.00. Motion to approve by Chief Brown, seconded by Chief Tracy. The application was unanimously approved. Chief Mailey recused himself.

15. Agency: Newport PD / Application #17-056

The Committee reviewed the application to upgrade three (3) existing 800mghz radios to 7/800mghz models. The application seeks \$8,523.00. Motion to approve by Chief Mailey, seconded by Capt. Feldmann. The application was unanimously approved.

16. Agency: Milford PD / Application #17-057

Chief Brown requested to defer this application until all other applications have been heard.

17. Agency: New Castle County PD / Application #17-058

The Committee reviewed the application to purchase standalone encryption bypass machine to enable law enforcement to bypass encryptions during forensic analysis. The application seeks \$10,595.00. Capt. Feldmann confirms this machine prevents the need to send items to outside sources to do the work thereby being much more cost effective. Chief Brown asked if it would be open to use by the agencies. Capt. Feldmann confirmed it would be. Motion to approve by Chief Brown, seconded by Major Zebley. The application was unanimously approved. Capt. Feldmann recused himself.

18. Agency: Dewey PD / Application #17-059

The Committee reviewed the application to purchase four (4) Digay Alley in-car video cameras with portal access to digitally share evidence with DDOJ to replace existing models which are outdated. The application seeks \$17,575.00. Mr. Lugg asked if request is to enhance/replace this first generation version with the latest model and thereby impacting cases going to court. Dewey PD confirmed it would. Capt. Feldmann asked if Dewey PD currently had BWC. Dewey PD confirmed they do not at this time. Their application for same has been tabled awaiting the results of the FRP. Motion to approve by Chief Brown, seconded by Chief Tracy. The application was unanimously approved.

Major Zebley made a request to prioritize the remaining Delaware State Police applications in order of critical need. Committee granted permission to present in the following order:

19. Agency: Delaware State Police / Application #17-063

The Committee reviewed the application to upgrade the security camera system at the State Bureau of Identification (SBI) office in the former Blue Hen Mall. The current version is in the “end of life” phase therefore a critical need. The application seeks \$18,600.00. “SBI” is a unit of the Delaware State Police. Sworn personnel are present on a daily basis in the building, as well

as civilian workers, all of whom interact with sex offenders and persons under court supervision regularly, this creating safety concerns. Motion to approve by Capt. Feldmann, seconded by Chief Mailey. The application was unanimously approved. Major Zebley recused herself.

20. Agency: Delaware State Police / Application #17-060

The Committee reviewed the application for several trainings: HTCUC, K9 certification, accident reconstruction, investigative techniques, Homeland security and Polygraph Certification. The application seeks \$30,000.00. The trainings will be open to all DSP investigative units and will be offered statewide to other agencies. Motion to approve by Chief Mailey, seconded by Chief Brown. The application was unanimously approved. Major Zebley recused herself.

21. Agency: Delaware State Police / Application #17-061

The Committee reviewed the application for Aviation Certification Training covering several aviation models. The application seeks \$40,000.00. Mr. Lugg asked if this training is required for all pilots. Major Zebley confirmed same. Mr. Lugg raises question as to this being a budget expense vs. a SLEAF request. DSP confirms the contracts maintained for each pilot has increased by approximately \$10,000.00 per pilot, an increase beyond their control that exceeds the DSP budget. Mr. Lugg confirms through Major Zebley statewide aviation unit (helicopters only – no fixed wing) is important component of law enforcement. DSP is the only agency with aviation unit. It is available statewide, to all agencies, 24hrs a day, 7 days a week and includes the Emergency Medical Services Team as well. Motion to approve by Chief Brown, seconded by Chief Mailey. The application was unanimously approved. Major Zebley recused herself.

22. Agency: Delaware State Police / Application #17-062

The Committee reviewed the application to purchase 100 standard riot helmets for uniformed officers – not including specialized units. This will go towards the current 300 helmet deficit. The application seeks \$12,804.00. DSP has purchased 100. The remaining 100 is still to be determined. Motion to approve by Chief Mailey, seconded by Chief Brown. The application was unanimously approved. Major Zebley recused herself.

Mr. Lugg informs the Committee there is \$192,782.65 remaining in the SLEAF funds.

23. Agency: Capitol Police / Application #17-064

The Committee reviewed the application to upgrade 85 existing Tasers which have “aged out” at present. This is to be paid in 5 year installment plan. This application seeks \$18,000.00 to cover one year. Some of the current Tasers have failed and are too old to be repaired and have been taken out of service, leaving some officers without a Taser. Capt. Feldmann asks for future payment guarantee. Representative has been assured by his Department that there will be funding but did not have details. Capt. Feldmann concerned about any previous Committee conversations about funding contracts. Ms. Davis believes the discussions were geared towards warranties. Chief Brown commented he was granted installment funding last year. Mr. Lugg expresses same concerns as Capt. Feldmann regarding assurance of future funding. Representative again notes he was assured there would be funding but was not given details. Capt. Feldmann asked if they would be forced to return the Tasers if future funding was unmet. Representative did not know. Mr. Lugg understands application to indicate Tasers would be returned if funds not met. Motion to approve by Chief Brown, seconded by Chief Mailey. The application was unanimously approved.

24. Agency: Delaware Department of Justice / Application #17-065

The Committee reviewed the application for funding to host one day NAGTRI training in January in Dover for prosecutors and law enforcement officers statewide on the topic of Overdose Death Investigations. The application seeks \$8,500.00, previously amended from \$15,036.00. Motion

to approve by Capt. Feldmann, seconded by Chief Tracy. The application was unanimously approved. Mr. Lugg recused himself.

25. Agency: New Castle County Police / Application #17-066

The Committee reviewed the application to purchase 250 ballistic helmets with face shields for entire uniformed patrol officers – dual purpose helmets. The application seeks \$103,500.00. Motion to approve by Chief Mailey, seconded by Chief Brown as Major Zebley inquired if “phasing in” was an option. Capt. Feldmann responded he was unable to choose those officers who would receive this added protection over those who did not. Chief Tracy concerned with the current funds in light of this large request.

Mr. Lugg informs the Committee there is \$166,282.65 remaining in the SLEAF funds with slightly over \$170,000.00 in requests to be presented.

Chief Tracy inquires if officers currently have conflict helmets. Capt. Feldmann indicates they do not. At present the riot control team and specialized unit do. Chief Tracy making comparison to DSP’s helmet application and its limited number/cost. Major Zebley indicates the NCCPD request is for helmets of a different nature with substantiated cost differences. Capt. Tracy confirms with Inspector Smith in the audience, that WPD only uses standard riot helmets. SWAT only has ballistic helmets. Capt. Tracy points out that most officers within the State are not using helmets of this type. Major Zebley clarifies she is not questioning the type of helmet nor the desire to purchase for all officers, just making an inquiry about phasing. Capt. Feldmann maintains these helmets provide the most protection to first responders. NCCPD has used a phase in approach in the past, however recent events over this year, have raised their concerns about protection. Mr. Lugg asks for conformation that the helmets are adjustable and can be interchanged with no issue between officers to accommodate transfers. At full staff, NCCPD has 400 sworn officers. 250 helmets will cover every officer and supervisor currently assigned to patrol. Mr. Lugg inquires about sharing between shifts. Capt. Feldmann indicated that had been discussed, but due to take-home cars, patrol shifts begin and end at the officers front door, thus making them subject to officer safety issues well before they reach HQ to change out helmets. This also makes a sign in/out system at HQ inefficient. Chief Mailey maintains his motion to approve from earlier, seconded again by Chief Brown. Chief Tracy abstained. Capt. Feldmann recused himself.

26. Agency: New Castle County Police / Application #17-067

The Committee reviewed the application to purchase Direct-Link Bridge series System with throw phone component for Crisis Negotiation Team. The application seeks \$24,500.00. The old system is 15 years old and needs a complete technology upgrade. It will also be compatible with other Crisis Negotiation Teams throughout the state. Chief Brown asked if NCCPD had made this request recently, as it sounded familiar. Committee determined it was a previous DSP request. Motion to approve by Chief Brown, seconded by Major Zebley. The application was unanimously approved. Capt. Feldmann recused himself.

27. Agency: DE Alcohol and Tobacco Enforcement / Application #17-068

The Committee reviewed the application to purchase two (2) Sig Sauer 516 rifles and accessories. The application seeks \$3,774.32. Department has three rifles and wishes to bring the total to 5 rifles for 17 officers. Officers execute search warrants regularly throughout the state. Motion to approve by Capt. Feldmann, seconded by Chief Mailey. The application was unanimously approved.

28. Agency: Milford PD / Application #17-057

Chief Brown requested earlier at the meeting to defer this application until all other applications had been heard.

Mr. Lugg indicates there are \$34,508.33 remaining in the SLEAF funds.

Committee returns to this application at this time. The Committee reviewed the application for funding to upgrade/replace 10 shared patrol rifles that are 15 years old. Also requesting 4 AEF defibrillator devices to replace ones which are no longer serviceable. The application seeks \$18,741.00. Mr. Lugg refers to the use of SLEAF funds to replace existing items versus this being a budget item. Are these budget items? Chief Brown indicates they have always gotten the defibrillators through SLEAF funds. It has never been a budgeted item. As to the rifles, the purchases were so long ago, the origin is unknown at this time. They are in need of upgrade as the old ones are no longer serviceable. Capt. Feldmann indicates the Committee has historically funded defibrillators. Mr. Lugg does not question the need to fund such things as defibrillators in any way, however it points to the growing concerns of funding things initially that should become budget items going forward that are not doing so. Motion to approve by Capt. Feldmann, seconded by Chief Mailey. The application was unanimously approved. Chief Brown recused himself.

29. Agency: Delaware Department of Justice / Application #17-069

The Committee reviewed the application for the funding for several prosecutors to attend seven training opportunities on the subjects of Child Abuse, Homicides, Prosecution Boot Camp, Child Witnesses and Opioid Addiction. The application seeks \$45,000.00.

Mr. Lugg indicates there is \$15,767.33 remaining in the SLEAF fund.

Mr. Lugg requests to reduce the application request to \$15,767.33 to cover those trainings that will occur before the next SLEAF meeting. Motion to approve by Chief Brown, seconded by Capt. Feldmann. The application was unanimously approved. Mr. Lugg recused himself.

Mr. Lugg asked if there were any applications that have not been considered by those present. Hearing none, he proceeded to the next topic of discussion.

Public Comment

None.

Next Scheduled Meeting

January 9, 2018 to discuss regulations.

Adjournment

With no further business before the SLEAF Committee, Mr. Lugg moved to adjourn the meeting, Capt. Feldmann seconded the motion. The motion carried unanimously. The meeting adjourned at 3:09 PM.